

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
November 2, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., November 2, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Fulton Brock, District 1 (entered late); Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Absent: Don Stapley, Vice Chairman, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Paul Golab, Deputy County Attorney and Anne Longo, Assistant Chief Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Darren Gerard, Deputy Director, Planning and Development, delivered the invocation.

PLEDGE OF ALLEGIANCE

Jessica Berg, Urban Fellow working in the Administration Office, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Julie Bank introduced the "Pet of the Month" from Maricopa County Animal Care & Control, John-John, a gangling and still growing, seven-month old Doberman-mix puppy. She said that while John-John was sweet tempered and affectionate, he was "a good example of the kind of dogs that people ordinarily walk past." She added that this was a shame because these animals often make fabulous family pets. She said that John-John would love to go home with someone today at 3:00 p.m. when he will be available at the AC&C located at 5231 N. 35th Ave. - just north of Camelback.

~ Supervisor Brock entered the meeting ~

Chairman Wilson asked how many animals can normally be found at the shelter. Ms. Bank replied that there are usually 1,000 animals at the three County shelters although this number increases during the summer months. Ms. Bank reported that the AC&C was successful in reaching their October goal of no euthanasia's of healthy animals and have set the same goal for November and December. She added that they will need the public's help once again to reach their new goal. Ms. Bank suggested that a pet would make a wonderful Christmas gift. Gift certificates are available so people can give a live gift embodying unconditional love to someone they love or give the certificate to let them pick out their own pet. As John-John lay sprawled across her arms he appeared confident that his relaxed demeanor would attract a benefactor to come to pick him up and take him home to his new family.

JUSTICE OF THE PEACE FOR THE MARYVALE JUSTICE COURT APPOINTED

Item: Consider nominations to appoint a Justice of the Peace for the Maryvale Justice Court. The term of this appointment shall be effective November 7, 2005, and will fulfill the unexpired term which ends December 31, 2008. (ADM1200-001)

Supervisor Wilcox said that it was always a matter Board Members take seriously, to search for and find qualified people to fill vacancies as a Justice of the Peace. She explained that she was pleased in this instance to find a very qualified pro-tem appointee, Hercules Dellas, "who has already been serving in the Courts and, who is exactly what I wanted." She added that Mr. Dellas is bi-lingual, fair, compassionate and has been very active in the community, and named the groups in which he has participated. Mr. Dellas plans to establish a Teen Court at Maryvale Justice Court, an action long supported by the Board.

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Motion was made by Supervisor Wilcox to nominate Hercules Dellas for appointment to this unexpired term in the Maryvale Justice Court. Supervisor Kunasek seconded the nomination and the motion carried unanimously (4-0-1).

Judge Dellas thanked Supervisor Wilcox for giving him the opportunity to continue to serve the Community of Maryvale where he has served as a justice proteem since last January. He said he had enjoyed his work with the residents of that hard-working community and looked forward to working with a Teen Court and in continuing his work for the Justice Court and the County.

PUBLIC HEARING TO ORGANIZE THE CROSSRIVER STREET LIGHT IMPROVEMENT DISTRICT

Chairman Wilson convened a public hearing to organize the Crossriver Street Lighting Improvement District, located in the vicinity of Pinnacle Peak Road and 117th Avenue, and appoint the Superintendent of Streets as District Engineer. The district's purpose is establishing street lighting facilities and purchasing electric service for the lighting of public streets and parks within the area. A petition representing 100% of the property owners in the Coldwater Ranch subdivision has been presented requesting the formation of a street lighting improvement district. (C6406076000) (ADM4302)

**ORDER ESTABLISHING
CROSSRIVER STREET LIGHT IMPROVEMENT DISTRICT**

A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, praying for the establishment of Crossriver Street Light Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been presented to the Board of Supervisors on the 2nd day of November, 2005, at the hour of 9:00 a.m., at the usual meeting place of said Board of Supervisors at 301 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, said Board of Supervisors finds that said petition is signed by the requisite number of owners of real property and further finds that the public convenience, necessity and welfare will be promoted by the establishment of said district, and hereby, by this formal order declares the findings aforesaid, and establishes the boundaries as follows: (C6406076000)

A portion of sections 13 and 24, township 4 north, range 1 west of the Gila and Salt River base and meridian, Maricopa County, Arizona, and more particularly described as follows:

Crossriver Unit 1	Lots 1-48	Book 706, Page 32, MCR	Courtland Homes
Crossriver Unit 2	Lots 1-92	Book 706, Page 35, MCR	Courtland Homes
Crossriver Unit 3	Lots 1-74	Book 706, Page 33, MCR	Morrison
Crossriver Unit 4	Lots 1-96	Book 706, Page 40, MCR	Ryland/Morrison
Crossriver Unit 5	Lots 1-81	Book 706, Page 39, MCR	Ryland
Crossriver Unit 6	Lots 1-91	Book 706, Page 37, MCR	Ryland
Crossriver Unit 7	Lots 1-90	Book 706, Page 36, MCR	Ryland/Morrison
Crossriver Unit 8	Lots 1-80	Book 706, Page 34, MCR	Morrison
Rancho Silverado	Lots 1-240	Book 706, Page 41, MCR	Courtland Homes
Rio Sierra	Lots 1-280	Book 706, Page 3, MCR	Courtland Homes

No petitions having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to declare

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that said district is now established under the name of Crossriver Street Light Improvement District, by which name it shall be known in all proceedings hereafter.

DATED this 2nd day of November 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

PUBLIC HEARING FOR A STREET NAME CHANGE

Chairman Wilson called for a public hearing to solicit comments and approve the name of a previously unnamed alignment to Shane Lane in Township 6 North, Range 3 East, Section 3 between North 18th Street and North 20th Street north of Johnson Road. This item was continued from the September 21, 2005, meeting. (C4406002000) (ADM2018)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek to approve the name change to Shane Lane.

Darren Gerard, Planning and Development, asked to address the Board to explain that the residents had requested that the proposed name be changed from Shane Lane to East Golden Sky Lane and this new name had 100% support of all neighbors. Discussion ensued in which Mr. Gerard explained that the new name had been published and all legal notifications had been met. He said that all emergency providers were notified of the new name and were satisfied that the alignment could bear the name of East Golden Sky Lane without interfering with any other alignments.

Supervisors Wilcox and Kunasek amended their motion and second to approve the name of East Golden Sky Lane for this alignment. Motion carried unanimously (4-0-1).

PUBLIC HEARING FOR IMPLEMENTATION OF A NEW PET FEE SCHEDULE

Chairman Wilson called for a public hearing to solicit comments and to consider implementation of a new fee schedule and adjustment to existing fees. Pet fees include adoption of pets, vaccinations, licensing, microchipping, medical and surgical procedures, and other shelter fees. The proposed fees are attributable to, and defray or cover the expense of the product or service for which the fee will be assessed. No fee exceeds the actual cost of the product or service provided. Maricopa County Animal Care & Control (MCACC) is not requesting an expenditure budget increase at this time. MCACC will request a budget increase and expenditure authority when specific issues arise and the need for a budget change occurs. The Office of Management and Budget has reserved additional revenue and expenditure budget capacity of \$500,000 in General Government for FY 2005-06, which would be sufficient to cover revenues and expenditures from these proposed fees. MCACC requests the authority to temporarily reduce adoption package fees during special adoption days and special adoption events held periodically each year when the shelters become overcrowded. The resulting reduction in revenue from these events is offset by the savings in reduced euthanasia costs. If approved, these fee changes will be effective January 1, 2006. (C7906024700) (ADM2305)

Dr. Silva, Director of Animal Care and Control, requested seven amendments to the proposed fee schedule. He said these are based on input and suggestions received during several public and municipal meetings held during September and October. The changes include sliding fees on some charges and lowered or eliminated fees on several other items.

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Supervisor Wilcox complimented Dr. Silva and his staff for holding the public meetings and making adjustments based on the input received.

Cheryl Nauman, President and CEO of the Arizona Humane Society, spoke favorably of the fee structure and other changes Dr. Silva has instigated in his short time at the County's Animal Care and Control. She said his fees are an appropriate blend of affordable services while still promoting owner responsibility and the pet overpopulation problems in the community. She urged the Board to accept the fees as presented.

Supervisor Brock asked if the new fees are compatible and still competitive with other services, saying, "We don't want competition with the Humane Society and we do want to become a no-kill organization."

Ms. Nauman replied that the two organizations work very well together and each facility handles around 50,000 animals a year and agreed that it is important to keep the fee schedules compatible. She said that the Humane Society is not in animal control so some fee comparisons are not applicable but she felt many of the new shared fees and the sliding fees are quite competitive and are necessary and desirable for the community. She added, "Dr. Silva is a breath of fresh air in this community," and complimented the Board on his selection.

Dr. Silva explained that the increased fees should net the facility approximately \$1.6 million more a year in increased revenue and this will allow them to complete some needed projects by establishing a capital improvement fund. Dr. Silva further explained that Animal Care and Control cannot actively solicit donations, as the Humane Society can, but they are able to accept donations, as offered.

No speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek to approve the updated fee schedule as amended.

In voicing his second, Mr. Kunasek complimented Ms. Nauman on her cooperative attitude towards Animal Care and Control, saying he wished to return the compliment, feeling that she too was "a breath of fresh air." He welcomed her to her position and said the County appreciated her efforts and commitment to animals as well as her attitude of cooperation.

Motion carried unanimously (4-0-1) to adopt the following schedule:

FEE NAME	CURRENT FEE	PROPOSED FEE	REVISED FEE
ADOPTION FEES			
Adoption - Sliding Scale (dogs and cats)	\$ 0.00 - \$150.00	\$ 0.00	\$150.00
Adoption - Other Pets	New		FMV
Exchange Fee - Cats	\$5.00		\$23.00
Exchange Fee - Dogs	\$5.00		\$41.00
LICENSING FEES			
License-Altered Dog	\$10.00		\$12.00
License-Unaltered Dog	\$25.00		\$40.00
License- Altered Cat	\$5.00		\$5.00
License - Unaltered Cat	\$10.00		\$10.00
License - Service Dog	\$		\$
License-Altered Dog Senior Person	New		\$6.00

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FEE NAME	CURRENT FEE	PROPOSED FEE	REVISED FEE
License-Municipal Working Dog	\$	\$	
License - Duplicate	\$7.00	\$4.00	
License -Transfer of Ownership	\$7.00	\$14.00	\$4.00
License Penalty	\$2.00	\$3.00	
License Penalty	\$12.00	\$13.00	
License Penalty	\$22.00	\$23.00	
Kennel Permit	\$90.00	\$328.00	
Kennel Permit - Return Trip	\$50.00	\$49.00	
VACCINATION FEES			
Rabies Vaccination	\$10.00	\$23.00	
3-1 Cat Vaccination	\$10.00	\$27.00	
4-1 Dog Vaccination	\$10.00	\$23.00	
Leukemia Cat Vaccination	\$10.00	\$35.00	
Leukemia Test	\$15.00	\$35.00	
Leukemia/FIV Combo Test	\$20.00	\$35.00	
Bordatella Vaccination	\$10.00	\$14.00	
MICROCHIP FEES			
Microchip - Cat	\$15.00	\$25.00	
Microchip - Dog	\$15.00	\$26.00	\$25.00
SHELTER FEES			
Impound - Cat	\$30.00	Delete	
Impound-First Offense-Licensed	\$50.00	\$	
Impound-First Offense-Unlicensed	\$50.00	\$45.00	
Impound-Second Offense	\$75.00	\$45.00	
Impound-Third Offense or More	\$100.00	\$45.00	
Owner Relinquishment	\$20.00	\$51.00	\$0.00-\$51.00
Cats from Municipalities	\$61.00	\$92.00	
Feral Cat in Trap	\$61.00	\$96.00	
Daily Board - Licensed-First Offense	\$10.00	\$15.50	
Daily Board - Unlicensed/Second Offense	\$10.00	\$31.00	
Euthanasia	\$25.00	\$23.00	
Owner Attended Private Euthanasia	\$55.00	Delete	
Animal Carcass Disposal	\$5.00	\$76.00	Delete
Laboratory-Euthanasia Required	\$50.00	\$125.00	
Laboratory-Dead on Arrival	\$25.00	\$105.00	
CLINIC FEES			
Spay - Dog	\$25.00	\$91.00	\$0.00 - \$91.00
Spay - Cat	\$25.00	\$39.00	\$0.00 - \$39.00
Neuter - Cat	\$20.00	\$42.00	\$0.00 - \$42.00
Neuter - Dog	\$20.00	\$84.00	\$0.00 - \$84.00
Sterilization Voucher Fee	New	\$100.00	

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FEE NAME	CURRENT FEE	PROPOSED FEE	REVISED FEE
Veterinary Services	\$25.00	\$25.00	
Medication Dispensing Service	New	\$14.00	
Medication Dispensed	FCR	FCR	
Frontline Parasite Control	\$10.00	\$14.00	
Wellness Exam	\$15.00	\$14.00	
Ear Flush - Dog	\$20.00	\$23.00	
Ear Flush - Cat	\$15.00	\$23.00	
Dental - Dog	\$25.00	\$18.00	
Dental - Cat	\$20.00	\$18.00	
Groom/Shave	\$20.00	\$55.00	
Umbilical Hernia Repair	\$15.00	\$19.00	
Nail Trim	New	\$5.00	
Heartguard Treatment	\$20.00	Delete	
Heartguard Test	\$15.00	Delete	
TRAPS AND CARRIERS FEES			
Cardboard Pet Carrier	New	\$8.00	
Cat Trap Deposit	New	\$25.00	
Dog Trap Deposit	New	\$100.00	

WATER UTILITY OF GREATER TONOPAH, INC. PUBLIC SERVICE FRANCHISE

Chairman Wilson called for a public hearing to solicit comments on the application filed by Water Utility of Greater Tonopah, Inc., for a public service franchise to construct, maintain and operate a full service domestic water distribution system for a period of 25 years beginning November 2, 2005, or for a period of one year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the supplying of this service along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State Highways) within that portion of Maricopa County, Arizona, known and described as follows, to-wit:

Sections 15, 16, 17, and 22, T2N, R5W, Maricopa County, Arizona.

Bill Sullivan appeared for the applicant to express their appreciation for an area expansion in continuing their service to this community and to ask for the Board's approval of the franchise. No protests having been received and after hearing speakers who came forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to grant the said franchise as applied for and to impose such restrictions and limitations upon said applicant as to the use of such public highways, roads, alleys and thoroughfares as may be deemed best for the public safety and welfare and to include in such franchise the statutory provisions set forth in title 40, Chapter 2, Article 4, A.R.S., 1956, requiring the grantee of said franchise to pay such expenses, damages and compensations, if any, as may result from the use and operation of said franchise and as in said statute specifies. (F23185)

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EXPENDITURE BUDGET ADJUSTMENT FOR CONSTABLES OFFICE

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize an FY 2005-06 expenditure budget transfer from the General Government (470) General Fund (100) General Contingency Justice Reserve to the Constable's Office (250) General Fund (100) in the amount of \$40,435. This action will allow the Constables to fully fund 1.0 full-time employee (FTE) Deputy Constable position in association with the Board's approval of a resolution to assign one Deputy Constable or Process Server to each of the six Justice of the Peace Precinct Court Co-locations (C2505003600). The annualized impact for this request for FY 2006-07 will be \$40,435. (C2506004000) (ADM1300-003)

WAIVER TO THE COMPENSATION PLAN FOR LEGAL SUPPORT SPECIALISTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a waiver to the Maricopa County Compensation Plan, Section VII.A. of the Maricopa County Human Resources Compensation Plan, in which the effective date of salary advancements may not precede the date to Human Resources. Procedural errors caused the delayed submission of the established 10% increase following graduation from the established Legal Support Training Track for support employees earning less than the entry level pay rate for Legal Support Specialists. The error was discovered and actions submitted with an effective date of August 29, 2005; however, the department is requesting to use an effective date of July 18, 2005, which is the beginning of the pay period following graduation, affecting the following employees (C1906018800) (ADM3308-001):

Name	Old Rate	New Rate	Financial Impact
Elizabeth McIntosh	\$10.39	\$11.43	\$2,498.33
Priscilla Fry	\$10.69	\$11.76	\$2,570.40
Jose Gonzales	\$11.07	\$12.18	\$2,666.49

DONATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the acceptance of 26 donations to the Sheriff's Office totaling \$3,235.75 from various individuals and organizations received for the months of July, August and September, 2005. This entire amount was donated to the Maricopa County Sheriff's Office Animal Safe Hospice Unit. The list of donations is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (C5006021M00) (ADM3900)

TEMPORARY ADDITION TO FLEET AND EXEMPTION TO MARKINGS AND GOVERNMENTAL PLATES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a one-time addition to the Sheriff's RICO fleet of a vehicle valued at approximately \$9,800. This vehicle was seized under DR 05-083540 and forfeited through the County Attorney under asset forfeiture #AF05060002 as stated in court order CV#2005-010282 for the benefit of the Maricopa County Sheriff's Office (MCSO) and is now Sheriff's Office property. The vehicle will be used for undercover activity by the Special Investigations Unit. Approve an exemption from governmental markings and issuance of non-governmental plates per A.R.S. §38-538.03. RICO funds will support operation, maintenance, and fuel costs, which are estimated to be \$3,500 per year. No vehicle replacement cost is associated with this temporary addition to fleet, which will automatically be removed from the MCSO fleet when it is no longer useful, with no funding from the General Fund for its replacement. Confidential

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vehicle information is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule. (C5006023M00) (ADM3101V)

EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM FOR PURCHASE OF LAPTOPS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an exception to the Technology Finance Program that allows the Sheriff's Office to proceed with the purchase of seven laptops that were included in a grant award package, approved on March 23, 2005, by the Board of Supervisors (C2005008000). This authorization is required to complete the one-time purchase of these computers. These computers will be tracked separately from the Sheriff's Office computers that are included in the Technology Finance Program with no automatic replacement from the general fund at the end of their useful lives. (C5006509M00) (ADM3900-002)

TERMINATE LEASE FOR THE JUVENILE PROBATION FACILITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to retroactively authorize an early termination option for Lease No. L7283, effective April 9, 2004, for the Juvenile Probation facility at 1210 E. Virginia Avenue, Phoenix. Lease No. L7136 was previously approved and amended under (C2799007401) and (C2799007402). (C2706001400)

AMEND LEASE WITH HOLLAND ESTATE LIMITED PARTNERSHIP FOR COMMUNITY JUSTICE CENTER

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and execute amended Lease No. L7353 with The Holland Estate Limited Partnership, an Arizona limited partnership, as lessor, of the office/training space for the Juvenile Probation Community Justice Center located at 7017 N. 56th Avenue, Glendale, AZ. It has become necessary to amend this lease to correct the actual square footage of the leased space. The corrected amount is 6,839 square feet. The amended rental rate based on square footage shall take effect on the first day of the month, following Board of Supervisors' approval. The effective date of this amendment is the date of execution by the Maricopa County Board of Supervisors. All other terms and conditions of the original agreement remain the same and in full force and effect. (C2706002400)

APPLY AND ACCEPT FUNDS FROM JABG FOR EXPANSION OF SAFE SCHOOLS & IGA

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following actions:

- o The application for and acceptance of Maricopa County's allotment of funding from the Juvenile Accountability Block Grant (JABG) 2005, Year 8 Program, in the amount of \$240,982. In year 8, the JABG funds will support the furtherance of the Expansion of Safe Schools Program. The project period of this award is from October 1, 2005 to September 30, 2007.
- o Authorization for Maricopa County to serve as the Fiscal Agent and Project Administrator of a partnership involving the county and the City of Phoenix, with contributing city allotments from these affiliated members: Avondale, Buckeye, Chandler, Fountain Hills, Glendale, Goodyear, Paradise Valley, Peoria, Surprise, Tolleson, Wickenburg, Youngtown and Fort McDowell.

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- o Authorization for the Maricopa County Juvenile Probation Department to enter into an Intergovernmental Agreement (IGA) with the City of Phoenix to accomplish the goals and objectives of this partnership.
- o The receipt of pooled funds from the above cities in the amount of \$332,312, which requires a 10% cash match of all parties, totaling \$36,924. Overall fiscal administration of the total project costs of \$369,236 will be the responsibility of Maricopa County.
- o Authorization for the Juvenile Probation Department to collaborate with the Finance Department in the administration of the pooled funds, per the cost-reimbursement methodology requirement of the grant.
- o It has been agreed that Maricopa County and the City of Phoenix will contribute any recovered indirect costs to the pool of funds to sustain four established JABG Safe School teams. Avondale, Buckeye, Chandler, Fountain Hills, Glendale, Goodyear, Paradise Valley, Peoria, Surprise, Tolleson, Wickenburg, Youngtown and Fort McDowell will transfer funds to the established pool for combination with the county match. Juvenile Probation Department funds will provide the required 10% county match of \$26,776, and that required for affiliated members of \$2,294, totaling \$29,070. The City of Phoenix will provide the required city match of \$7,854. Juvenile Probation's indirect cost rate for FY 2005-06 is 26.34%, or \$52,874.44. The federal JABG grant limits and caps indirect cost recovery at 10% of the total allotments. Therefore, the estimated contributed indirect costs on the total grant will be \$20,074, with Juvenile Probation's portion at \$19,870, and the City of Phoenix at \$204. Unrecoverable indirect costs are estimated to be \$32,800 based on Juvenile Probation's Indirect Cost Rate. (C2706003300)

APPOINTMENT OF SUPERIOR COURT JUDGE PRO TEMPORE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the appointment of Court Commissioner, Kirby Kongable, as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from November 2, 2005 through December 31, 2005, to serve in the various programs in the Superior Courts and Justice Courts to reduce trial delay. (C3806003700) (ADM1001)

ACCEPT BULLETPROOF VEST PARTNERSHIP GRANT FROM FEDERAL BJA

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve acceptance of Year 2005 Bulletproof Vest Partnership grant funding from the Federal Bureau of Justice Assistance (BJA) in the amount of \$57,395.60. BJA approved this funding amount on August 24, 2005. Funds will be used to reimburse 50% of the costs for bulletproof vests and stab resistant vests for use by county personnel in Adult Probation, County Attorney, Juvenile Probation, and Sheriff's Office. The vests are to be invoiced, received, and federal payment requested within four years. The funds and vests will be distributed as follows:

Department	Funds	Number of Vests
Sheriff's Office	\$7,461.41	100
Adult Probation	\$38,455.09	485
Juvenile Probation	\$4,017.69	40
County Attorney	\$7,461.41	58

The Sheriff's Office is the administrator for these grant funds and will receive the funds from the BJA and disperse/appropriate funds to each participating department. Grant indirect costs are not recoverable. Total unrecoverable costs of \$8,869.78 will be as follows:

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Department	Indirect Rate	Indirect Cost
Sheriff's Office	17.2%	\$1,283.36
Adult Probation	9.5%	\$3,653.23
Juvenile Probation	11.3%	\$453.99
County Attorney	16%	\$1,193.82

Also approve revenue and expenditure appropriation increase adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$7,461.41 for FY 2005-06. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C2006012300)

APPLY AND ACCEPT GRANT FROM DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR DENTAL EQUIPMENT

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the application and acceptance of the Department of Health and Human Services Health Resources and Services Administration grant funding in the amount of \$245,516. The grant award period will be September 1, 2005 through August 31, 2006. This is a reimbursement/ advance funding grant. Indirect costs are allowable if negotiated in advance of the grant award. However, Maricopa County did not receive approval of the indirect cost plan in advance, therefore, indirect costs are not recoverable. As the Human Services Campus is a community based assistance program, we are requesting a waiver of indirect costs as this grant will be utilized to purchase dental and health care equipment for the facility. Approve an appropriation adjustment increasing the FY 2005-06 revenue and expenditure appropriation for the General Government (Dept 470) General Government Grant Fund (249) by \$245,516. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board of Supervisors pursuant to A.R.S. §42.17105. (C2006015300)

REJECT CLAIMS DEMANDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to reject claim demands (September 2005) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to the A.R.S. §11-629 (not a proper charge against the county) and A.R.S. §11-622 (claims not having been filed within six months after the last item of the account accrues). (A.R.S. §11-629 \$570,548.65 and A.R.S. §11-622 \$0.00). (List is on file in the Clerk of the Board's office.) (C3906005700) (ADM1804)

**MONTHLY REPORT
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VENDOR	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
American Ambulance	1,234.28	\$0.00
American Physicians Inc	375.99	\$0.00

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Arizona Medical Imaging	28.00	\$0.00
Arizona Pulmonary Specialists	846.00	\$0.00
Arizona State Radiology	31.00	\$0.00
Associated Ophthalmologists	145.00	\$0.00
Associated Retina Consultants	462.08	\$0.00
Az Kidney Disease Hypertension	3,230.00	\$0.00
Banner Baywood Heart	25,995.99	\$0.00
Banner Good Samaritan Reg Med	51,510.00	\$0.00
Casa Grande Emergency Physician	358.00	\$0.00
Desert Hospitalists Pc	4,080.00	\$0.00
Edmonds, Gregory P. MD	941.55	\$0.00
Emergency Physicians Prof Asso	564.00	\$0.00
Emergency Professional Svcs Pc	755.00	\$0.00
Grewal, Harprett Mc Pc	6,621.00	\$0.00
Maricopa Health Systems	359,253.87	\$0.00
MedPro	104,175.85	\$0.00
Radiology Services	100.76	\$0.00
SJH Trauma Billing	1,090.00	\$0.00
Southwest Ambulance	1,433.40	\$0.00
St Josephs Hosp Arizona	775.00	\$0.00
St Luke's Medical Center	4,912.55	\$0.00
Tempe St Luke's	1,538.49	\$0.00
Walker, Russell W MD	90.84	\$0.00
Grand Total	570,548.65	\$0.00
Restitution	0.00	\$0.00
Total Denials	570,548.65	\$0.00

TERMINATE LEASE WITH PRESSON ADVISORY, L.L.C FOR AIRPORT OFFICE PARK SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve termination of Lease No. L7352 with Presson Advisory, L.L.C., for the Maricopa Managed Care Systems office located at Airport Office Park, 2516 E. University Drive, Building "C", Floor 1-B, Phoenix, Arizona. The lease provides for early termination with no penalty. The termination will be effective on October 31, 2005. This approval will formally exercise the termination option. (C6006015804) (C60050494YY)

PERSONNEL AGENDAS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas.

TRANSFER FUNDS FOR ASRS CONTRIBUTIONS NOT WITHHELD

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the transfer and expenditure of not-to-exceed \$1,000,000 from Appropriated Fund Balance (480) General Fund (100) Contingency, to an existing line in Appropriated Fund Balance (480) General Fund (100) Other Programs, entitled "ASRS Contributions Not Withheld." These funds will be used to pay

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for the county's portion of Arizona State Retirement System contributions (and accumulated interest) for employees who were eligible for participation in the retirement plan, but who did not contribute to the system due to an administrative oversight. (C4906012000) (ADM3309-001)

AMENDMENT WITH COVENTRY II DDR PHOENIX SPECTRUM SPE LLC FOR CLINIC SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute amendment to Lease No. L7320 with Coventry II DDR Phoenix Spectrum SPE LLC, a Delaware limited liability company, as successor in interest to Phoenix Mall Properties LLC, a Delaware limited liability company, landlord, for 4,373 square feet of immunization clinic space in the Spectrum Mall, located at 1752 W. Montebello Avenue, Phoenix, AZ. By way of agenda number C8602138403 and dated September 21, 2005, the Board of Supervisors approved the owners of Spectrum Mall to exercise the right under the existing lease to relocate the county immunization clinic to a replacement premises. Due to delays in the tenant improvement schedule for the build out of the new clinic space, the date to take possession is now past. The amended term of this lease amendment shall be:

- o The delivery of the new clinic space shall be on or before November 14, 2005, and
- o The county shall vacate the existing clinic space by November 28, 2005.

This item will rescind and replace agenda item number C8602138403, approved and dated September 21, 2005. (C8602138404)

AFFILIATION AGREEMENT WITH ADHS FOR CLINICAL PEDIATRIC DIETETIC EXPERIENCE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to retroactively approve and sign a non-financial affiliation agreement between Maricopa County, through its Department of Public Health, and Arizona Department of Health Services, Office of Chronic Disease Prevention and Nutrition Services, to provide clinical pediatric dietetic experience for graduate students in the dietetic internship. The agreement is non-financial and the term is retroactive from July 1, 2004 through June 30, 2009. (C8606014200)

CONTRACT WITH ST. JOSEPH'S HOSPITAL FOR WELL WOMEN HEALTH CHECK SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a contract with Catholic Healthcare West d.b.a. St. Joseph's Hospital and Medical Center to provide well women health check services to uninsured or underinsured women. The contract term is retroactive from August 1, 2005, and continues through July 31, 2008, for not-to-exceed amount of \$84,000 per year. The contract term is retroactive from August 1, 2005, due to not obtaining the documents from the grantor in time. Catholic Healthcare West d.b.a. St. Joseph's Hospital and Medical Center was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on July 1, 2005 (PH ROQ 05-010). (C8606028100)

GRANT WAIVER TO THE CURRENT INDIRECT RATE FOR RYAN WHITE TITLE I GRANT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and grant a waiver to the requirement of charging the current full indirect rate of 16.67% for the following internal sub-recipients under the Maricopa County Department of Public Health's Ryan White Title I grant:

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- o The interdepartmental agreement (IDA) for the Pharmacy Program (PHA 05-30) is in the amount of \$416,648 and is effective March 1, 2005 to February 28, 2006. The Department of Public Health's indirect rate is 16.67% for FY 2005-06 which equates to \$59,623. The grant has stipulated that indirect costs and administrative costs combined are limited to 10%. Because the program has budgeted administrative costs of \$39,983, no further indirect costs can be charged. Total unrecoverable costs are \$59,623.
- o IDA PHA-0428 for Ryan White Planning Council is in the amount of \$271,248. Full indirect costs are \$38,816. Actual indirect costs under the 10% cap are \$24,659. Unrecoverable indirect costs are \$14,157.
- o IDA PHA-0524 for dental services is in the amount of \$55,500. Full indirect costs are \$7,942. Actual indirect costs under the 10% cap are \$5,045. Unrecoverable indirect costs are \$2,897.
- o IDA PHA-0536 for incarcerated case management is in the amount of \$22,000. Full indirect costs are \$3,148. Actual indirect costs under the 10% cap are \$2,000. Unrecoverable indirect costs are \$1,148.

Also approve and grant a waiver to the requirement of charging the current full indirect rate of 16.67% for the following internal service under the Ryan White Title I Grant:

- o Reporting Category A375 was established in the amount of \$85,000, to utilize the Advantage System for the control of Emergency Client Assistance. Such assistance would normally be pass-thru and not subject to indirect costs. Emergency Client Assistance is currently administered by administration personnel, as there was no response to the Request for Proposal for that service. The full indirect costs are \$12,164. Actual indirect costs under the 10% cap are \$7,727. Unrecoverable indirect costs are \$4,437. (C8606031800) (ADM2150)

AGREEMENTS FOR HEALTHCARE FOR THE HOMELESS PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following participating health provider agreements for the Maricopa County Public Health's Healthcare for the Homeless Program. The term of the agreement shall begin upon Board of Supervisors' approval, for a period of one-year, with automatic one-year renewals and a 90-day termination clause.

- a. Phoenix Health Plan/Community Connection Network (C8606033100)
- b. Abrazo Advantage Health Plan, Inc. (C8606034100)

The estimated revenue amount for each agreement is \$30,000 per year, and may change based on the number of clients actually served. There is no cap.

IGAs FOR TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following intergovernmental agreements (IGAs) with these entities to provide school-based tobacco use prevention and education services. The term of the agreements is retroactive from July 1, 2005 through May 1, 2006:

- a. Cave Creek Unified School District, for a contract dollar amount not-to-exceed ~~\$16,000~~ \$5,000. (Corrected amount was reported by the Clerk prior to the vote.) (C8606418200)

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- b. Deer Valley Unified School District, for a contract dollar amount not-to-exceed \$26,000. (C8606420200)
- c. Laveen Elementary School District, for a contract dollar amount not-to-exceed \$6,500. (C8606432200)
- d. Avondale Elementary School District, #44, for a contract dollar amount not-to-exceed \$6,500. (C8606437200)

ACCEPT DONATIONS FOR FAMILY PLANNING SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to retroactively approve acceptance of donations to the Family Planning Program at the Department of Public Health from clients receiving family planning and reproductive health services in the amount of \$15,291, for the months of May, June, July and August 2005, and expenditures of same. This amount is included in the Special Revenue Budget (Fund 265) for FY 2004-05 and FY 2005-06, therefore, no expenditure or revenue adjustment is needed. Donations are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. (C8606801M00) (ADM2150)

APPOINTMENT TO COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following appointments and alternates to the Community Development Advisory Committee (CDAC) to serve a one-year term from July 1, 2005 through June 30, 2006. All CDAC appointments expire on June 30 of each year and positions remain vacant until such time as the Board of Supervisors appoints representatives to serve for the coming year. (C1705109902) (ADM1501)

Primary	Alternate	Representation
Bernadette Jimenez	Rodrigo Flores	Town of Guadalupe

MOU WITH NHS FOR FIRST TIME HOMEBUYER ASSISTANCE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Memorandum of Understanding (MOU) with Neighborhood Housing Services of Southwest Maricopa County (NHS) in order to provide American Dream Downpayment Initiative funds to low and moderate income residents for first time homebuyer assistance. (C1706038000)

ACCEPT SLIF GRANT FROM ARIZONA STATE PARKS FOR PICNIC AREA

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept from the Arizona State Parks the awarded State Lake Improvement Funds (SLIF) grant. The award is for \$31,857, and will be used to continue the development of the Sunset Ridge Picnic area at Lake Pleasant Regional Park. Authorize the Parks and Recreation Department (Department 300) to sign necessary reporting and reimbursement paperwork to administer the grant. (C3006011300)

RENEW KENNEL PERMITS

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a kennel permit renewal for Gloria Dorsey, d.b.a. Gloria Dorsey Kennels, 213 E. Elm Lane, Avondale, AZ 85323, Permit #050, for the term of November 2, 2005 through November 1, 2006. The cost of the kennel permit is \$90. (C7906025C00) (ADM2304)

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AGREEMENT WITH AZ ANIMAL RESCUE AND SANCTUARY FOR NEW HOPE PROGRAM

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an agreement between Arizona Animal Rescue and Sanctuary, a 501(c)3 non-profit corporation, 43256 N. Jackrabbit Road, Queen Creek, AZ 85242, and Maricopa County to allow Arizona Animal Rescue and Sanctuary under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor. The cost for these services is \$27 for each animal rescued. Animal Care & Control estimates 275 New Hope rescues over the term of the agreement, for a total of \$7,425. The term of this agreement is from November 2, 2005 through November 1, 2006. (C7906026100)

DONATIONS FROM FRIENDS OF ANIMAL CARE & CONTROL

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the increase of revenue and expenditure budget of Animal Care & Control Donation Fund by \$19,442. This amount is a part of all donation funds to be received through the restricted donation from Friends of Animal Care & Control, a 501(c)3 in Phoenix, Arizona, that have been previously approved by the Board of Supervisors on June 6, 2005, in Agenda Item C7905092700. Donation revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of this fund are not prohibited. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The revenue from the donated funds will be deposited into Animal Control Donation Fund (573) as they are received by the department. This action will require an appropriation adjustment, increasing the revenue and expenditure budget for Department (790) Donation Fund (573) by \$19,442, for a countywide net impact of zero. (C7906027800) (ADM2300)

FUND TRANSFERS

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

PUBLICATION OF PUBLIC NOTICE FOR EXCHANGE OF PROPERTY

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize publication of required public notice, pursuant to A.R.S. 11-251(44), for a proposed exchange of properties with the City of Phoenix wherein the county will convey approximately 60,850 square feet located east of the Humans Services Campus and 3,619 square feet along the east side of the Old Courthouse to the City of Phoenix. The city will convey to the county approximately 56,240 square feet, consisting of four parcels located west of 9th Avenue between Jefferson and Madison and four parcels south of Jefferson between 9th Avenue and 8th Avenue. Legal approval is subject to review of final documents. This item was discussed in Executive Session on September 19, 2005. (C1806022B00) (ADM811)

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ACCEPT DONATION OF USED FURNITURE FROM BLM

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the donation of assorted used furniture (chairs, tables, desks partitions, etc.) at no cost to the county, from the Bureau of Land Management (BLM) who will be vacating the Security Building on October 31, 2005. The individual donated items do not meet the capitalization level of \$5,000 per item as outlined in County Policy Number A2508; thus they will not be reported to the Department of Finance for capitalization purposes. The items donated have an estimated combined value of \$25,000. (C1806024M00) (ADM1800)

AMENDMENT TO LEASE WITH WESTSIDE FOOD BANK FOR SPACE

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and execute amendment to Lease No. MC10126 with Westside Food Bank, lessee, for 12,500 square feet of office/warehouse space, located at 13050 W. Elm, Surprise, Arizona. This amendment will acknowledge the assignment of this lease from Westside Food Bank to St. Mary's/Westside Food Bank Alliance. The term of this lease will automatically renew annually and contains a 90-day cancellation clause. All other terms and conditions of the original lease agreement remain the same and in full force and effect. (C1899003401)

SOLICITATION SERIALS

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Solicitation Serials

- | | |
|------------------|--|
| 05091-RFP | Maintenance, Repair and Operating Supplies (\$1,500,000 estimate/three years with three one-year renewal options). Contract to provide a source for miscellaneous maintenance, repair and operating supplies for use by various county departments. Additionally, this contract will be made available for use by political subdivisions nationwide through the U.S. Communities Cooperative Purchasing Group. <ul style="list-style-type: none">o The Home Depoto The Home Depot Supply |
| 05097-C | Bulk Fuel, Purchase and Delivery – Unleaded Gasoline & Diesel Fuel (\$15,000,000 estimate/three years with three one-year renewal options). Pricing agreement to purchase unleaded gasoline and diesel fuel for use by Equipment Services for fuel storage tanks and vehicles. <ul style="list-style-type: none">o Union Distributing Company |
| 05115-S | Information Technology Consultants (\$1,250,000 estimated/one year with four one-year renewal options). Multiple award price agreement for various information technology consultants to be used by all county agencies based on individual budgetary authorizations and requirements. |

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Ablest Technology Services	ieLinks
Alpha Dog Consulting	Insight Public Sector, Inc.
Amba Solutions, Inc.	Int Technologies, LLC.
Analysts International	ITWorkgroup, Inc.
Aztech Professional Services	Jr2 Business Solutions
Bluecrane, Inc.	Kinetik I.T.
Bull Services	Knowledge Consulting
Ciber, Inc. - Scottsdale	KVL Consultants, Inc.
Comforce Technical Services	Law-On-Line
Consultants in Data Processing	M&C Associates, LLC
Coolsoft, LLC	Management Decisions, Inc.
Coplan And Company	Matrix Resources
Cronus Consulting, LLC	Meridian Technology Group, Inc.
Cybernology, Inc.	MSS Technologies, Inc.
Darcomm Network Solutions	MTG Management Consultants
Data Intensity, Inc.	Pragmatica, LLC
Data Pacific Corp	Premier Technical Resources
Data Site Consortium, Inc.	Prescio
Dataweb Technologies	RB Balch Computer Consultants
David Ford Consulting Engineer	S2 Business Solutions, Inc.
Desert Sky Software, Inc.	SanTrac Technologies, Inc.
Devcare Solutions	Sentinel Technologies, Inc.
Draftek	Softroots, Inc.
Dynamic Internet Solutions	SoftTech, Inc.
E-Consulting, Inc.	Spherion
Ensynch	Stilwell Software, Inc.
Enterprise Data Consulting	Systems Integration Solutions
Enterprise Technology Services	Systems Technology Group, Inc.
Entralogic, LLC	TeamPersona
Eumotif, Inc.	Tech One Staffing
Fox Systems, Inc.	Technology Staffing Solutions
Fuller Solutions	Teksystems
Future Trands Technology Mgt	TL Solutions, LLC
Gilltek Systems Int., Inc.	Torus Business Group
Gistic Research	Training To You, Inc.
GlobalSoft Consulting, Inc.	TriYoung Business Solutions
Gould Intelligent, LLC	WNF Consulting, Inc.
Hanusoft, Inc.	World Wide Technology
H/P Technologies, Inc.	YOH Services, LLC
Indusa Technical Corp	

- 05139-C Concrete Grave Domes** (\$300,000 estimate/three years with three one-year renewal options). Price agreement to purchase concrete grave domes (liners) used for indigent burials.
- o Mickelson & Ray, Inc.

Increase in the price agreement amount for the following contracts. This request is due to an increased usage by county departments.

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01084-MS Traffic Signal Field Infrastructure (\$300,000 increase). Increase price agreement value from \$250,000 to \$550,000. This \$300,000 increase will permit the Department of Transportation to increase their field installations from 5 to 25 signal intersections per year. This agreement was initially approved by the Board on November 19, 2001, and renewed by the Materials Management Director on September 16, 2004, in the amount of \$250,000. The expiration date is November 30, 2006.

03120-C Traffic Signal Poles, Standards & Brackets (\$200,000 increase). Increase price agreement value from \$500,000 to \$700,000. This \$200,000 increase will permit the Department of Transportation to increase their field installations from 5 to 25 signal intersections per year. This agreement was initially approved by the Board on September 24, 2003, in the amount of \$300,000, and was subsequently increased by the Board on August 24, 2005 to \$500,000. This agreement expires on September 30, 2006.

CAPA

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

Facilities Management
Bill White

Planning and Development
Sheri Shepard

Parks and Recreation
Kyle Randall
Raymond Schell

Managed Care
Linda Polan

Risk Management
Julie Lasham

TRANSFER EXPENDITURE AUTHORITY FOR DEPARTMENT SEPARATION

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the transfer of expenditure authority between the General Government Grants Fund (Department 470, Fund 249) and the Air Quality Department Fund (Department 850, Fund 504). This action will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government Grants Fund by \$552,144, and increasing the FY 2005-06 Air Quality Fund (504) by \$552,144. These adjustments will result in a countywide net financial impact of zero and will allow the Air Quality Department to pay for one-time moving, build-out, and IT costs associated with the department's split from the former combined Environmental Services Department. (C8506006M00) (ADM2375-003)

ACCEPT FUNDS FROM MAG FOR THE COUNTY'S TRIP REDUCTION PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve acceptance of Agreement #262 in the amount of \$910,000 from the Maricopa Association of Governments (MAG). The agreement is effective upon the Board of Supervisors' approval through September 30, 2006. The department's indirect cost rate is 13.63%. Indirect costs are estimated to be \$61,175 and are fully recoverable. Cash matching funds and in-kind matching funds are not required. The funds will be used for administering and promoting the county's Trip Reduction Program. This contract may be terminated at any time with 15 days written notice to the other party. The grantor will provide

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reimbursement funding for the grant. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This grant does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8506009200)

IGA WITH RPTA/VALLEY METRO FOR TRIP REDUCTION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an intergovernmental agreement (IGA) between Maricopa County and the Regional Public Transportation Authority (RPTA)/Valley Metro in the amount of \$400,000 for services provided to the Maricopa County Regional Trip Reduction Program. The funding comes from the FY 2005-06 Maricopa Association of Governments Agreement #262. The RPTA will provide the following trip reduction related services: promotion and advertising services; training employer personnel; providing technical assistance to voluntary and major employers; and developing, producing, and distributing training and collateral materials. This agreement remains in effect for the period necessary to complete activities specified in the IGA, such period not to exceed September 30, 2006. (C8506010200)

APPOINTMENT TO THE TRAVEL REDUCTION PROGRAM TASK FORCE – CONTINUED

Item: Appoint Ms. Sheila Henson, representing Supervisorial District 5, to the Travel Reduction Program Task Force. This appointment shall be a two-year term, expiring in January 2007. (C8506011M00) (ADM2358-001)

The Clerk reported that the department has asked for this item to be continued to the November 16, 2005 meeting to allow time for additional research. Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to continue this item to November 16th.

AMENDMENT TO THE CAPITAL IMPROVEMENT PLAN FOR ANIMAL CARE & CONTROL

Item: In accordance with A.R.S. §42-17106(B), approve the following amendments to the FY 2005-06 five-year Capital Improvement Plan, Department (470):

- o Create a new project titled "Durango Animal Care & Control Full Service Facility" in the amount of \$16,930,000 (Year 1 \$1,600,000; Year 2 \$8,100,000; Year 3 \$7,230,000) and authorize the Facilities Management Department to proceed with the implementation and management of the completion of programming, procurement, design and construction of the project.
- o Direct the Department of Finance to identify financing options for this project to be approved at a future Board meeting.
- o Authorize the Chairman to sign the Declaration of Official Intent. This declaration will allow the general and other funds to be reimbursed for capital expenditures that will ultimately be financed with tax exempt borrowings.
- o A revenue appropriation adjustment of not-to-exceed \$16,930,000 for proceeds from debt financing in General Government (470) Capital Improvement Fund (435)
- o Direct the Office of Management and Budget to include the appropriate fund transfers in the FY 2006-07 recommended budget. (C7006010800) (ADM2300-003)

Linda Branch-Dasch, Executive Director of the Arizona Animal Welfare League, which serves as the lead agency of the Mattie's Pet Rescue Project. She explained that Animal Care and Control and the Arizona Humane Society are "key members" of this project. She endorsed the funding for a new facility for Animal

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Care & Control (ACC). She said the new facility would provide for better care for animals and provide a much better atmosphere for adoptions for those coming to choose a new pet. She stated, "On behalf of the ten organizations that are part of Mattie's Pet Rescue Project and the Arizona Animal Welfare League I'm asking the Board to approve this improvement plan."

Cheryl Nauman, Arizona Humane Society (AHS), urged approval and said that the old facility that Animal Care and Control (ACC) is currently housed in "is very worn and this makes it difficult to control the spread of disease." She said that in 2002 the AHS raised \$14 million in private donations to build a state of the art animal welfare facility. As a result, their adoptions increased dramatically and since moving into their new building in May 2002 she said they have not been forced to euthanize a single healthy animal due to lack of space.

Ms. Nauman said, "It absolutely breaks my heart to hear people say they cannot go to Animal Care and Control to adopt a pet because it is too depressing." She mourned those animals in ACC who are dying simply because people feel they cannot stand to go there to view them. She said that in many communities city and county animal facilities pose as a "flag ship" with private, non-profit facilities struggling to keep up. She said that Maricopa County has set so many high standards and urged the Board to set another by approving this new facility. She explained, "It is not just for the animals, it is a facility for the residents of our community – and the 61% of residents who own pets."

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the amendments to the FY 2005-06 five-year Capital Improvement Plan, Department (470), as given above.

CONTRACT WITH DMJM, INC. FOR PROFESSIONAL CONSULTING SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and authorize the execution of a professional consulting services contract with DMJM, Inc. of Phoenix, Arizona, in an amount not-to-exceed \$600,000. This contract is to provide an update to the 1997 Maricopa County Criminal Justice System Planning Report and to provide implementation of programming and related activities for the 2004 Superior Court Master Plan. This contract will be multi-phased, and this approval is for phase one only. Future phases will be presented to the Board for their approval as they are identified and negotiated. The first phase is scheduled to take 210 calendar days to complete. The Facilities Review Committee and the Citizens Jail Oversight Committee both recommended the award of this contract to update the Criminal Justice System Planning Report and the implementation of the Superior Court programming and related activities. (C7006011500)

ADOPT LOOP 303 CORRIDOR/WHITE TANKS ADMP UPDATE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt the Loop 303 Corridor/White Tanks Area Drainage Master Plan Update (ADMP). (C4406007000) (ADM1915-003)

ADOPT THE AGUA FRIA WATERCOURSE MASTER PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt the Agua Fria Watercourse Master Plan, Area Drainage Master Plan (ADMP) and channelization alternative as a planning tool. (C4406008000) (ADM1915-003)

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EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

A339.040 Project No: TE171 - Meeker Boulevard at Aleppo Drive - Warranty Deed - Parcel No.:
(JPM) 503-59-003J - First Church of Christ, Scientist, Sun City West, Arizona, Inc. - for the
sum of \$3,550.00.

A339.040 Project No: TE171 - Meeker Boulevard at Aleppo Drive - Purchase Agreement and
(JPM) Escrow Instructions - Parcel No.: 503-59-003J - First Church of Christ, Scientist, Sun
City West, Arizona, Inc.

DD-9509 Right of Way Dedication – Ratification of Easement Deed – Parcel No. 503-20-
(CE) 018(Ref) – Lawrence S. Graves and Evelyn D. Graves.

N/A Project No: TT123 - Brown Road (94th Street to Crismon Road) - Agreement for Right
(GL) of Entry - Parcel No.: 220-20-002B - Robert C. Henry and Dolores J. Henry - for the
sum of \$200.00.

AGREEMENT WITH WILLIAM LYON HOMES, INC. FOR COLDWATER RANCH

Item: Approve a development agreement with William Lyon Homes, Inc., as required by previously approved zoning cases Z2002-127. The development agreement details regional transportation issues, including roadway construction, right-of-way requirements and cost share contributions for offsite roadway improvements associated with the approved development known as Coldwater Ranch. The roadways identified for improvement include portions of El Mirage Road and Happy Valley Road, and will be constructed by the developer to county standards, at no cost to Maricopa County. (Supervisory District 4) (C6406075000)

Supervisor Kunasek said he had previously reported a conflict of interest with regards to Coldwater Ranch and he would also abstain from today's vote.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (3-0-1-1) to approve this development agreement.

APPOINTMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the appointment of Mr. William Long to the Industrial Development Authority Board of Directors from Supervisory District 4. Mr. Long's term of office will be effective from the Board of Supervisors' approval through December 17, 2009. (ADM4500-001)

SETTING OF HEARINGS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to schedule the following public hearing. All hearings will be held at 9:00 a.m. in the Supervisors' Conference Room, 301 W. Jefferson, 10th Floor, Phoenix, unless otherwise noted:

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PLANNING AND ZONING CASES: Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for December 7, 2005:

TA2005-005

ASRS CLAIMS

No claims were submitted for approval at this time. (ADM3309-001)

CANVASS OF ELECTIONS

No canvasses of elections were reported at this time.

CHECK ENFORCEMENT FUND QUARTERLY REPORT

In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2005 through September 2005. (ADM404-001)

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the Assessor's recommendations to change classification and/or reduce the valuation of certain properties which are now owner-occupied. (ADM723)

<u>Parcel Number</u>	<u>Year</u>	<u>Owner</u>	<u>Class From</u>	<u>Class To</u>
102-77-306	2003	Howard Kirk	CI/4	CI/3
102-77-306	2004	Howard Kirk	CI/4	CI/3
112-77-0306	2005	Howard Kirk	CI/4	CI/3
111-03-018	2004	West, Maureen	CI/4	CI/3
136-23-401	2004	Underwood, Jared	CI/4	CI/3 = 34% CI/4 = 66%
136-23-401	2005	Underwood, Jared	CI/4	CI/3
141-69-523	2005	Ronald Anderson	CI/4	CI/3 = 67% CI/4 = 33%
141-89-180	2005	Jean Feyte	CI/4	CI/4 = 67% CI/3 = 33%
144-74-135	2003	John Bentancourt	CI/4	CI/3
144-74-135	2004	John Bentancourt	CI/4	CI/3
144-74-135	2005	John Bentancourt	CI/4	CI/3
145-22-166	2003	Alberto Hernandez	CI/4	CI/3
145-22-166	2004	Alberto Hernandez	CI/4	CI/4
145-22-166	2005	Alberto Hernandez	CI/4	CI/3
167-27-076	2003	Lu Ann C Powell	CI/4	CI/3
167-27-076	2004	Lu Ann C Powell	CI/4	CI/3
167-27-076	2005	Lu Ann C Powell	CI/4	CI/3
175-58-183	2005	Walter Kradin	CI/4	CI/3 = 75% CI/4 = 25%

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200-38-358	2005	Theodore Manzanares	CI/4	CI/4 = 50%
				CI/3 = 50%
214-14-078	2003	Ronald Elliott	CI/4	CI/3
214-14-078	2004	Ronald Elliott	CI/4	CI/3
214-14-078	2005	Ronald Elliott	CI/4	CI/3
214-38-029	2003	Arizona, Dan	CI/4	CI/3
214-38-029	2004	Arizona, Dan	CI/4	CI/3
214-38-029	2005	Arizona, Dan	CI/4	CI/3
232-01-056	2003	Gina R Portz	CI/4	CI/3
232-01-056	2004	Gina R Portz	CI/4	CI/3
232-01-056	2005	Gina R Portz	CI/4	CI/3
232-43-663	2005	Fair, James F	CI/4	CI/3
301-03-090	2003	Silvia Waters	CI/4	CI/3
301-03-090	2004	Silvia Waters	CI/4	CI/3
301-03-090	2005	Silvia Waters	CI/4	CI/3
309-16-121	2005	Donna Carnicelli	CI/4	CI/3 = 33%
				CI/4 = 67%

COMBINED CHARITABLE CAMPAIGN

No cash or in-kind contributions generated for the 2006 Combined Charitable Campaign through corporate sponsorships and donations were reported at this time. (ADM3311-002)

COMPROMISES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the requested compromises as payment in full. This item was discussed in Executive Session on October 17, 2005. (ADM407)

Alread	Lona	\$17,000.00
Arellano	Sarah	\$6,100.00
Bravo	Franciso	\$5,000.00
Ceniceros	Maria	\$350.00
Cotter	Brendan	\$5,250.00
Fitzgerald	David	\$16,000.00
Flores Sr.	Alfredo	\$1,344.57
Gomez	Isabel	\$50,000.00
Hernandez	Sonia	\$1,025.00
Larios	Miguel	\$2,160.34
Martinez-Zabaleta	Julia	\$5,000.00
Mena	Paris	\$700.00
Mercado	Carmen	\$210.00
Randall	Bret	\$7,000.00
Rodriguez	Jose	\$2,500.00
Scott	Jeff	\$9,500.00
Scribner	Bella	\$150.00
Smith	Virginia	\$1,500.00
Solomon	Gary	\$900.00

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Svetc	Calvin	\$5,500.00
Thomas	Shawn	\$1,345.37
Utseth	Sonya M.	\$10,269.48

CONTINUED AGENDA ITEM: RIGHT-OF-WAY PERMIT – 32ND STREET & PINNACLE PEAK ROAD - CONTINUED

Agenda item C6406048B00 was continued at the October 5, 2005 Formal Board Meeting to the November 2, 2005 Formal Board Meeting. At the request of the department, this agenda item is continued until further notice or may be withdrawn. (ADM2007-001) (ADM2007-001)

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to continue this item indefinitely.

COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the Treasurer's Statement of Collections and Investment summary reports for September 2005. (ADM4006)

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the request for duplicate warrants to be issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT NO.	FUND	AMOUNT
Darla Barfield	260013824	Payroll	\$1,752.26
Gayle B Thompson	360502880	Expense	\$550.00
Todd Weiss	260014002	General	\$918.24
Joshua W Sklar	260013677	General	\$252.05
Corey Smith	260015182	General	\$1,243.33

SCHOOLS

NAME	SCHOOL	WARRANT NO.	AMOUNT
Concentra Medical Centers	Osborn SD #8	450119916	\$792.00
A To Z Steam Cleaning	Tolleson Elem	460009662	\$985.00
Laura Garvin	Litchfield Elem SD #79	160028326	\$374.02
Inform Communications & Marketing	Roosevelt SD #66	460030512	\$633.75
Susan Dallas	Avondale Elem SD	160005812	\$21.18
Auto Zone	East Valley Institute	460006748	\$473.78
Staples Business Advantage	Laveen SD #59	460021985	\$96.72
William Jason Jewell	Agua Fria Union High SD	160033337	\$606.35
Donovan Maturan	Agua Fria Union High SD	160018711	\$23.78
Donovan Maturan	Agua Fria Union High SD	160013281	\$2.38
Maria Cruz	Fowler SD	160030135	\$303.77

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Navidad Carranza de Gonzalez	Fowler SD	160030134	\$310.48
Jerry Giorgi	Wilson SD #7	160019749	\$92.35
Helen Clark	Murphy Elem SD #21	160022285	\$203.17

MINUTES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held August 1, 2005, August 2, 2005, August 22, 2005, August 24, 2005, and August 29, 2005.

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated November 2, 2005, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

PUBLIC DEFENDER'S ANNUAL REPORT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the annual report filed by the Public Defender's Office, pursuant to A.R.S. §11-584(A)2. This report is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM500)

SECURED TAX ROLL CORRECTIONS

No request was received from the Assessor for corrections to the Secured Tax Rolls at this time. (ADM705)

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the settlement of tax cases dated November 2, 2005. (ADM704)

**2004
2004/2005**

**2005
2006
ST 2005-000025**

STALE DATED WARRANTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

NAME	AMOUNT
State Farm Mutual Auto	\$5,179.65
Mark Hyatt Tynan	\$75.33

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Betty Arlene Markham	\$44.70
Rashel Mowers	\$47.46

TAX ABATEMENTS

No requests for tax abatements were received from the Treasurer's Office at this time. (ADM708)

WRITE-OFFS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the requested write-offs for accounting purposes only. This item was discussed in Executive Session held October 17, 2005. (ADM407)

Corbin	Samuel G.	\$112.00
Frausto	David L.	\$2,308.00
Lechuga	Eddie J.	\$981.00
Mason	Donald	\$955.00
Morphew	Timothy W.	\$5,109.80
Rangel	Francisco	\$1,680.00
Sabo	Bradley S.	\$1,580.00
Spinelli	Benjamin J.	\$3,565.00
Spinelli	Benjamin J.	\$415.00
Spinelli	Benjamin J.	\$1,802.50
Sutherland	Jeremy E.	\$20.00
Sutherland	Jeremy E.	\$9.00

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

Blue Crowley, citizen, expressed his concerns on items as originally outlined for public transit in Prop 400, including proposed bus routes, bus shelters and marked pedestrian and bicycle spaces. He believes some components are being changed or ignored by government agencies for expediency. (ADM605)

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Wilcox commented on how satisfying the groundbreaking ceremony had been that she and Chairman Wilson had attended the previous day for the Avondale Civic Center/Library complex. She thanked Harry Courtright, Library District, and Dan Davis, Avondale, for their diligent work in getting this intergovernmental project completed. (ADM606)

Several of the Supervisors commented on the passing of Rosa Parks, whose funeral was being held in Washington D.C. All lauded the importance of the impact her 1955 act of bravery had, in refusing to give up her seat on a city bus to a white man, on the Civil Rights Movement in the United States. Supervisor Wilcox read comments from an obituary for Ms. Parks giving additional details of her life.

Supervisor Brock commented on the news story of Rural Metro pulling their fire protection coverage out of County island areas around Gilbert. This was the result of fewer than 50% of residents living in County islands agreeing to pay the Rural Metro coverage fee. He said it had become too expensive for Rural Metro to continue covering those areas if the majority of residents chose no coverage. The withdrawal is effective in mid-2006. Mr. Brock said the County has been working with the Legislature to overcome the

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challenges inherent in finding ways for residents living in County islands to be protected with fire and emergency services. He added, "We used to be known as a large rural county and today we are very much a large urban county." He explained, "The County has never been in the fire-protection business and we don't plan to enter that. We urge and encourage residents of County islands to work with their closest municipalities" to help solve this limitation.

**Please note that these matters are of a quasi-judicial matter and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision and whether a procedural error may have occurred.
New evidence is not considered at these hearings.**

CODE ENFORCEMENT REVIEW FOR MARC AND TAMELA JO ASBURY

Chairman Wilson called for the review of the Hearing Officer's Order of Judgment in the Zoning Code Violation Case No. V2004-1801, Marc and Tamela Jo Asbury. This item was continued from August 10, 2005. (Supervisory District 1) (ADM3417-028)

Darren Gerard said this violation was for open storage and illegal parking that were in violation of the County code. He said compliance was achieved as of mid-September 2005 and reported that accrued fees to that date totaled \$3,000. Staff asked that the judgment be upheld and the per diem fines be waived, leaving only the base \$300 fine for collection. His understanding was that the applicant, "is not amiable to the base \$300 fine" alleging there was inadequate notification of the June 7 hearing date. He said that records indicate certified mail was sent on March 3rd and signed for the next day and he believes notification was properly done. However, he showed Mr. Brock the postal signature card and said the signature on the card was not legible and suggested that Mr. Brock may wish to waive the fines on that basis.

Tamela Asbury, applicant, explained that they were actually in compliance by June 1 (earlier than the mid-September date reported above). She admitted that she had mismarked her calendar for the June 7 hearing, marking it on June 27 instead. She added that they had never missed a hearing or meeting in the past and have always done what was asked of them, including moving all suspect items "back in June and not in September." She also reported that they had received legal advice that the judgment was illegal because there was no compliance date listed on the order of judgment they received. She listed several "unsatisfactory" conversations she'd had with P&Z representatives that she felt had led them to appeal this unnecessarily.

Supervisor Brock said he appreciated her honesty and the fact that they had come into compliance early-on and would recommend that all fines be waived.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to uphold the Hearing Officers findings but to waive all fines since Ms. Asbury had cooperated and her property has been in compliance for some time.

CODE ENFORCEMENT REVIEW FOR JEFF RUDEK

Chairman Wilson called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2003-00657, Jeff Rudek. This item is continued from August 24, 2005 and September 21, 2005. (Supervisory District 1) (ADM3417-030)

~ Supervisor Wilcox left the meeting ~

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Darren Gerard reported that this violation first opened in May 2003 for unpermitted accessory structures and that Mr. Rudek had applied for a building permit in short order but failed to make progress on the building permit for a substantial length of time. On August 26, 2004, the Hearing Officer assessed a fine of \$300 plus \$30 per diem. The approximate accrued fines to date total \$13,500. He said that a field inspection in February 2005 still showed non-compliance. Permit applications have been received from Mr. Rudek and are still under review. He recommended a 60-day continuance to allow review and possible issuance of the permits.

Jeff Rudek, applicant, spoke and said, "He made us sound terrible." He added that this has been in process for 2½ years and he had turned-in paperwork earlier and had met with Glenn Bak many times and that Mr. Bak admits that he lost the paperwork. Discussion ensued and Mr. Rudek agreed to wait for the continuance hearing to testify further.

Supervisor Brock said he intended to follow-up on this matter carefully and targeted the \$13,000 in fines, saying he wanted to get more information on the matter. He assured all that he would look into the matter closely to try to ascertain what has occurred in an objective and impartial manner.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (3-0-2) to continue this matter for 60 days to the 2nd Board meeting in January 2006, (2006 dates are as yet unscheduled) to give the Planning Department time to review the permit requests submitted by Mr. Rudek to place his property in total compliance.

PLANNING AND ZONING AGENDA

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-nay-absent-abstain).

CONSENT AGENDA DETAIL:

- | | | |
|-----------|-------------------|--|
| 1. | S2005-026 | District 4 |
| | Applicant: | Stanley Consultant, Inc. on behalf of Pulte Homes |
| | Location: | North of Deer Valley Road and west of the proposed El Mirage Road alignment
(in the Sun City West area) |
| | Request: | Final Plat in the R1-6 RUPD zoning district for Corte Bella Country Club, Phase 3
(approx. 83.33 gross acres) |

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (3-0-2) to approve this final plat.

REGULAR AGENDA DETAIL:

- | | | |
|-----------|-------------------|--|
| 2. | Z2005-003 | District 4 |
| | Applicant: | Verizon Wireless for John C. & Helen G. Truman |
| | Location: | Northeast corner of 175 th Avenue and Sweetwater Road (in the Surprise area) |
| | Request: | Special Use Permit (SUP) for a wireless communication facility in the Rural-43
zoning district, Wireless Communication Facility Use District 2 (approx. 5,000 sq.
ft.) - Verizon Wireless Communication Facility |

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COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2005-003, subject to the following stipulations "a" through "n". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Pho Waddell – Verizon Wireless Special Use Permit" consisting of two (2) sheets, dated Aug 29, 2005 and stamped received August 30, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Verizon Wireless "Pho Waddell" Request for Special User Permit Renewal" consisting of twelve (12) pages, dated (revised) June 5, 2005, and stamped received August 30, 2005, except as modified by the following stipulations.
- c. The height of the wireless communication facility shall be limited to 109'.
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- g. The site currently serves as a wireless communication facility for Western Wireless and Verizon Wireless. No additional co-location of any carriers will be permitted on the site.
- h. Prior to any zoning clearance, the applicant must submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA). A copy of the approval shall be placed in the file.
- i. The Maricopa County Department of Air Quality Control shall be contacted to determine if an operating permit is required for this generator. If an air permit is required this it must be obtained prior to installation of the generator.
- j. This Special Use Permit (SUP) shall expire two (2) years from the date of approval by the Board of Supervisors. The time frame is applies to Verizon Wireless and Western Wireless. All of the site improvements shall be removed within 60 days of such termination or expiration.
- k. The applicant shall submit a written report outlining the status of the development at the end of one (1) year from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

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- l. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Mr. Gerard reported on previous action for this existing 20-year Special Use Permit that was originally issued 20 years ago. This request is for a two-year extension. Concerns had been voiced by neighbors regarding the esthetics of the tower and possible impact on a nearby subdivision. Staff recommends approval since this is an existing facility with heavy duty linkage from other sites that will only be there for another two-years when it will be moved to another location.

Applicant's representative said Verizon Wireless is in full agreement with the stipulations and two-year time period.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (3-0-2) to concur with the Planning Commission recommendation for approval with stipulations "a" through "n."

- 3. Z2005-018 District 1**
Applicant: The Miller Partnership, LLC for Bryan McCormick of McCormick Owens Development, LLC
Location: Southwest corner of Ellsworth Road and Riggs Road (in the Queen Creek area)
Request: Rezone from Rural-43 to R1-35 - Ranchos Legante

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2005-018, subject to the following stipulations "a" through "n". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall be in general conformance with the zoning exhibit entitled "Ranchos Legante Rezoning Exhibit (Z2005018/ S2005011)", consisting of one (1) full-size sheet, dated August 1, 2005, and stamped received September 1, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Ranchos Legante: Narrative Report for Preliminary Plat & Rezone", consisting of nine (9)

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pages, stamped received September 1, 2005, except as modified by the following stipulations.

- c. Development of the site shall be in conformance with the landscape plan entitled "Preliminary Landscape Plan", consisting of one (1) full-size sheet, dated August, 2005, and stamped received September 1, 2005, except as modified by the following stipulations.
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- g. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
 - o Provide a total half-width of 70 feet of right-of-way for Riggs Road.
 - o Provide a total half-width of 70 feet of right-of-way for Ellsworth Road.
 - o Construct ultimate half-width improvements, including pavement, curb, gutter, and sidewalk on perimeter roadways (Riggs Road and Ellsworth Road) to meet minimum county standard.
- h. All interior streets within the proposed development are to be constructed to minimum County standards.
- i. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- j. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- k. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- m. Approval is subject to conditional zoning as per the Maricopa County Zoning Ordinance. If a Final Plat has not been approved for the residential component of the project, within two years from the date of rezoning approval by the Board of Supervisors, the zoning may be revisited by the Planning and Zoning Commission for consideration and possible

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reversion to Rural-43 zoning. Staff of the Planning and Development Department may administratively approve a one-year extension to this conditional zoning deadline.

- n. Non Vehicular multi-use trail easements shall be provided adjacent to or generally following along the entire length of the northern, eastern, southern, and western boundaries of the subdivision.

Darren Gerard reported on the progress of this rezoning case through the recent Planning Commission hearing. He reported that the plan is in compliance with both the County Area Plan and the Queen Creek General Plan. A petition of 40 signatures was received from neighbors voicing concern that equestrian access might be prohibited but applicant has stipulated that such access will be provided and a revised landscape plan shows this has been done with an added trail that will essentially encircle the subdivision. Staff's recommendation is for approval.

~ Supervisor Wilcox returned to the meeting ~

Supervisor Brock referenced a letter from David Jacobs warning that a cultural resource investigation should be done on this site. Mr. Brock asked if the site had been searched for possible archaeological artifacts and if there was a possibility of violations concerning this. Mr. Gerard explained that stipulation "q" on the associated preliminary plat calls for an archaeological survey to address this matter. He said this section would not be introduced to the Board until the final plat was ready for approval. He explained that this request is not often seen for areas that have been farmed for generations although artifacts had previously been found 3-4 feet below some surfaces.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the Planning Commissions' recommendation for approval with stipulations "a" through "n."

- 4. **Z2005-059 District 4**
 - Applicant:** Damon S. Williams Associates, LLC for Arizona-American Water Company
 - Location:** Southwest corner of Aurora Dr. & Stardust Blvd. (in the Sun City West area)
 - Request:** Special Use Permit (SUP) for a water treatment plant in the Rural-43 zoning district (approx. 2.5 acres) - Sun City West Water Plant # 2

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2005-059, subject to the following stipulations "a" through "m". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the site plan entitled "Sun City West Water Plant No. 1 – Arsenic Removal Facility" consisting of one (1) full-size sheet dated sealed August 22, 2005 and stamped received August 24, 2005 except as modified by the following stipulations. Within 30-days of Board of Supervisor (BOS) approval, the applicant shall submit a revised site plan to the Planning and Development Department.
- b. Development and use of the site shall comply with the narrative report entitled "Sun City West Arsenic Removal Facility Narrative Report" consisting of five (5) pages, dated revised July 8, 2005 and stamped received August 9, 2005 except as modified by the following stipulations. Within 30-days of Board of Supervisor (BOS) approval, the applicant shall submit a revised Narrative Report to the Planning and Development Department.

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- c. The following Maricopa County Department of Transportation (MCDOT) stipulation shall be met:
 - o Prior to issuance of any permits for development of the site, the applicant shall obtain the necessary encroachment permit from the Maricopa County Department of Transportation for off-site improvements driveway within the public right-of-way.
- d. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f. Two (2) approved signs with dimensions 24 x 14 for site identification and 15 x 15 for chemical safety information which are to be located on the main access as depicted as "placard" on the approved site plan.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- i. The applicant shall submit a written report outlining the status of the development at the end of five (5) years and twenty (20) years from the date of approval by the Board of Supervisors. The status reports shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- j. This Special Use Permit shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- k. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the

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Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance).

- m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard said this SUP is to add an arsenic treatment component to upgrade this existing water treatment facility and the addition is mandated by the EPA. There is no known opposition.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "m."

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board